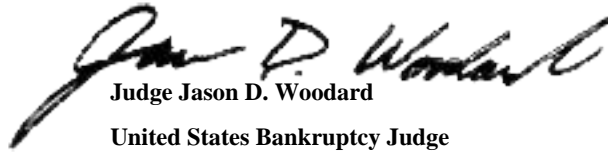

SO ORDERED,




Judge Jason D. Woodard
United States Bankruptcy Judge

The Order of the Court is set forth below. The case docket reflects the date entered.

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI

IN RE: GINA TALLEY

CASE NO.: 18-11359

DEBTOR

CHAPTER 13

**ORDER ALLOWING DEBTOR TO ENTER INTO A TRIAL MORTGAGE LOAN
MODIFICATION ~~WITH~~ AND AUTHORIZING THE CHAPTER 13 TRUSTEE
TO DISBURSE TRIAL PERIOD PAYMENTS**

This matter came before the Court upon the stipulation of the Debtor¹, Gina Talley, Debtor's attorney and the Chapter 13 Trustee for Entry of Order Allowing Debtor to Enter Into a Trial Mortgage Loan Modification With and Authorizing the Chapter 13 Trustee to Disburse Trial Period Payments (the "Stipulation") (Dkt. #40) and the Court ~~being fully advised in the premises,~~ does hereby find and order as follows:

IT IS HEREBY ORDERED that the parties and terms of the proposed modification include:

Mortgage Creditor/Servicer: Caliber Home Loans (the "Mortgage Creditor").

Borrower Name(s): Gina Talley

Property Address: 600 Humphrey Rd., Holly Springs, MS 38635

¹ The above-referenced Debtor or Debtors shall be referred to herein in the singular as Debtor unless specified otherwise.

Mortgage Account No: 9803776260

Proposed Modified Trial Payment: Three (3) Trial Payments in the amount of \$ 909.04

First Trial Payment Due: 04/01/21

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall disburse three (3) Trial Payments to the Mortgage Creditor as follows:

- a. First Trial Payment Due 04/01/21 : The Trustee shall disburse this trial payment from available funds by manual check upon entry of this Order and shall attempt to ensure delivery of the check to the Mortgage Creditor before the due date indicated.
- b. Second Trial Payment Due 05/01/21: The Trustee shall disburse this trial payment from available funds by manual check upon entry of this Order and shall attempt to ensure delivery of the check to the Mortgage Creditor before the due date indicated.
- c. Third Trial Payment Due 06/01/21 : The Trustee shall disburse this trial payment from available funds by manual check upon entry of this Order and shall attempt to ensure delivery of the check to the Mortgage Creditor before the due date indicated.

**THE TRUSTEE'S DISBURSEMENTS SHALL BE MADE PAYABLE TO CALIBER HOME LOANS AND SHALL BE MAILED TO THE CREDITOR AT THE FOLLOWING ADDRESS :
13801 WIRELESS WAY, OKLAHOMA CITY, OK 73134**

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall not disburse on the pre-petition arrearage or the Notice of Postpetition Mortgage Fees, Expenses, and Charges (Dkt. #31) claim until further order of this Court granting a permanent loan modification or notice, as provided for herein below, indicating that the loan modification was denied. Upon notice of such denial, the Chapter 13 Trustee shall resume disbursement of the pre-petition arrearage claim, including all amounts which accrued for the benefit of the Mortgage Creditor during the trial period.

IT IS FURTHER ORDERED that the Chapter 13 Trustee is authorized to disburse post-trial period payments within the Chapter 13 Trustee's regular disbursement cycle to the Mortgage Creditor in the amount of \$ 909.04, which is consistent with the terms provided in the attached

loan modification correspondence until further order of the Court or an amended proof of claim as provided for below. A copy of the loan modification correspondence is attached hereto and incorporated herein by reference as Exhibit “A.”

IT IS FURTHER ORDERED that within twenty-eight (28) days of the last payment under the trial modification, the Debtor shall file a notice with the Court notifying the parties whether the modification was made permanent, continued, or denied and attach proof of the terms of the implementation or denial of a permanent modification. In the event the final modification is denied and upon notice of such denial, the Chapter 13 Trustee shall resume disbursement of the pre-trial period continuing payment beginning on the next disbursement date.

IT IS FURTHER ORDERED that if the loan modification is made permanent, the Mortgage Creditor is to either file amendments to the proof of claim (Clm. #5) to reflect the proposed changes to the mortgage payment and treatment of the pre-petition arrearages claim or if the Mortgage Creditor does not file the amendments, the Debtor shall file a motion for modification of the plan addressing the modifications of the proof of claim and the Notice of Postpetition Mortgage Fees, Expenses, and Charges (Dkt. #31) consistent with the terms of the final loan modification. Such motion may serve as notice which is required in the above paragraph.

IT IS FURTHER ORDERED that within seven (7) days of the entry of an order, the Debtor’s counsel shall serve a copy of the order on the Mortgage Creditor and their attorney of record. Service on the Mortgage Creditor shall be by mail to the payment address listed above, at the address listed for notice in the Mortgage Creditor’s proof of claim and any other address where the Mortgage Creditor has specifically requested notice. Nothing contained in this stipulation of the order shall affect the rights of the Mortgage Creditor afforded to it by the Bankruptcy Code or

applicable state law.

##END OF ORDER##

Order Submitted By:

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